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SUBJECT: OAXACA TEACHERS PROTEST OVER DELAYED UNION  
ELECTIONS

REF: (A) 06 MEXICO 6128 (B) 06 MEXICO 5982

¶1. (U) Summary: The dispute between Section (Local) 22 of the National Teachers Union (SNTE) and the state government of Oaxaca that began in mid-2006 as a labor action and grew into a political crisis has been relatively quiet of late. The quarrel between the teachers and the Oaxaca government has not gone away, but for much of 2007 the ongoing dispute commanded relatively little national attention. All of this changed briefly in early March when Section 22 launched an 11-day sit-in/protest in Mexico City that broke out in violence between the teachers and federal police. At the beginning of the protest the teachers announced a laundry list of demands that contained numerous non-starters. However, the main reason for the protest was to pressure the GOM into forcing the SNTE at the national level into formally authorizing new union elections. The current leadership of Section 22 was elected to a four-year term that took office and was recognized by the GOM in March 2004. SNTE,s statutes dictate that new union elections require the authorization of the national organization as a precondition of legal recognition. Without new elections Section 22,s leadership could lose the legal foundation which compels both the Oaxaca state and federal authorities to negotiate with them. Section 22,s appeals for the authorization to hold new elections have been ignored by the SNTE,s national office, quite possibly with the full concurrence of the GOM. End Summary.

#### BACKGROUND

¶2. (U) In March/April of 2006 the 70,000 teachers of Section (Local) 22 of the National Teachers Union (SNTE) in the southeastern Mexican state of Oaxaca began a work stoppage demanding higher wages. Initially the teachers, requests for wage increases were neglected by Oaxaca,s Institutional Revolutionary Party (PRI) governor, Ulises Ruiz, who claimed the state did not have the funds to meet their demands. The situation then took a turn for worse in early June 2006 when the Governor ordered the use of force (including the firing of tear gas from helicopters) to dislodge the teachers and their supporters from the city center.

¶3. (U) Governor Ruiz,s use of force provoked a show of solidarity from a number of civil society groups who responded by joining the teachers on the barricades. Over

time the protesters intermittently blocked highways into Oaxaca as well as access to the airport, in addition to key public buildings and the situation deteriorated from there causing considerable economic disruption throughout the state. Ultimately the combination of striking teachers and civil society groups, which organized under the umbrella of the Oaxaca People's Popular Assembly (APPO), came together to demand the ouster of Ulises Ruiz. Throughout the latter part of 2006 and the early part of 2007 the protestors maintained ongoing demonstrations in Oaxaca and in Mexico City. Remarkably, during the entire height of crisis in Oaxaca the state government continued to pay the teachers, salaries until the very last week of September 2006.

14. (U) The teachers of Section 22 are viewed as dissidents within the SNTE, and for an extended period all attempts by both the state and federal governments to resolve the Oaxaca crisis have failed. When the crisis was at its worst there was widespread concern and general dismay throughout Mexico that the Oaxaca situation would (and in fact ultimately did) require the use of force to restore the rule of law. The strike, with its accompanying violent protests and actions by unidentified gunmen linked to APPO and the governor, was blamed for at least nine deaths, including that of U.S. journalist Brad Will. The timing of this crisis coincided with the change of administration here in Mexico and was handed off from the President Vicente Fox to the now President, Felipe Calderon. The Oaxaca situation was the first major labor challenge of Calderon's administration. Prior to leaving office President Fox ordered federal police and the military into Oaxaca to restore order. President Calderon then established a Congressional Commission to resolve the issues between the Oaxaca government and the protesting teachers and their supporters.

MEXICO 00000931 002 OF 004

#### OAXACA TEACHERS REAPPEAR ON THE NATIONAL SCENE

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15. (U) On March 3, following a considerable period of relative calm, some 10,000 Section 22 teachers, plus an estimated 5,000 APPO activists and other supporters, arrived in Mexico City from Oaxaca to present a list of demands to the GOM. This protest was the first time since early 2007 that the ongoing dispute in Oaxaca drew significant coverage from the national media. The teachers launched a protest march that began on Reforma Avenue, the main street in front of Embassy Mexico City, and ended at the offices of the Secretary of Government (Interior Ministry). In addition to

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holding a protest march, the teacher ultimately set up camp and staged an 11-day sit-in near the Secretary of Government's offices.

16. (U) A rally occurring on Reforma Avenue is nothing new in Mexico City. The street is the traditional starting place of protest marches and demonstrations in the Mexican capital; in fact it is a rare week indeed when there is not some form of demonstration on Reforma. A march by the teachers of Section 22, even one involving some 15,000 demonstrators, would not, in and of itself, draw much attention from the national media. What made this particular march/labor action noteworthy was the fact that upon arriving at their intended destination the protestors clashed with various elements of Mexico's federal police. The clash did not result in any serious injuries nor in a significant number of detentions or arrests but it did go on (actually off and on) for a few hours during which time the protestor repeatedly stormed the chain link fence specifically installed to keep them from reaching the offices of the Secretary of Government.

THE TEACHERS, DEMANDS

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¶17. (U) In the lead up to the demonstration, a spokesman who was also one of the protest,s main organizers formally announced the teachers, list of demands. In some regards the demands resembled something of a laundry list contained numerous non-starters. Some of the demands, such as a call for the release of political prisoners, were not realistic in that there was little chance the GOM would release individuals detained and charged with a crime without first allowing the normal processes of the judicial system to run their course.

¶18. (U) Some of the teachers, other demands included such things as a call for the Mexican Congress to reject the GOM,s proposals for energy and labor reform (neither of which have yet been formally submitted to the Congress). The teachers called for the repeal of the law &ISSTE8, a controversial reform of the laws governing the administration of pensions for civil service employees (i.e. teachers and other federal employees). This law is currently being challenged in the courts so again it was unrealistic to expect any serious response to this demand. The list of demands also included a call for the resignation of Oaxaca,s governor Ulises Ruiz; an option considered and rejected by a Congressional Commission in early 2007 as one of the possible alternatives for solving the political crisis mention above in paragraphs 2-4.

¶19. (U) The only really urgent and serious demand on the teacher,s laundry list was a call for the GOM to compel the SNTE,s national office to formally authorize new union elections. The demand to hold new union elections was the real reason behind the protest held by the Section 22 teachers and their supporters. Holding new union elections is an essential act for Section 22. Without new elections to establish the legally recognized leadership of Section 22 the legitimacy of any future actions by the union could become null and void.

#### AN URGENT NEED FOR NEW UNION ELECTIONS

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¶10. (U) According to the SNTE statutes, no Section (Local)

MEXICO 00000931 003 OF 004

can have hold union leadership elections without the prior authorization of the organization,s national office. Under Mexico,s Federal Labor Law, all unions must have on file with the Secretariat of Labor (STPS) a copy of their statutes.

These statutes serve as the basis for granting a union official GOM registration and serve as the standards to which unions must adhere or risk loss of government recognition. In the case of SNTE affiliate Sections, statutes dictate that union elections must have prior authorization by the organization,s national office in order to be legally recognized by the Mexican government,s STPS. Without such recognition neither federal nor state authorities are required to respect the labor rights of a union nor accord any type of benefits to that organization,s members. For the leadership of Section 22, the question of new and legally recognized elections could be the key to that Local,s very existence.

¶11. (U) The current leadership of Section 22 was elected and began a four year term of office in March of 2004. Now, four years later, that leadership,s mandate is now up and without new elections the legality of any future labor action by Section 22 or its leadership would be null and void. Prior to launching its March 3 protest demonstration, Section 22 had petitioned the SNTE,s national office for authorization to hold elections on eight separate occasions. No response to these petitions was ever received and this despite the fact that at least 20 other state level Sections have received the necessary authorizations and held leadership

elections.

¶12. (U) Now that their legal term of office as union officials has come to an end the leadership of Section 22 is justifiably concerned with what will happen next. The Oaxaca teacher's dispute with the state's governor is still ongoing and up until now many of the actions (short of violence) the union has taken in its quarrel with Governor Ruiz could be arguably defended as the exercise of worker rights under Mexico's Federal Labor Law. With new elections any future labor actions by the Section 22 would have no legal basis and the state authorities in Oaxaca could move against the teachers at will.

#### THE FEDERAL GOVERNMENT'S RESPONSE

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¶13. (U) As noted above the teachers of Section 22 are dissidents within the SNTE and it is not surprising that the national union is using the organization's statutes to rid themselves of people they perceive as trouble makers. In order to maintain the legal status to defend their labor rights (as they see them) Section 22 appealed to the GOM's Secretary of Government to intercede on its behalf with

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national office of the SNTE and compel that office to issue the necessary authorization. The GOM response to Section 22's appeal for help was to cite the relevant portions of Federal Labor Law (FLL) governing union autonomy.

¶14. (U) Mexico's FLL prevents the federal government from interfering in the internal affairs of the country's labor unions and in this case the Secretary of Government claimed it had no legal authority to compel SNTE in this matter. Faced with a national union leadership they believed (probably correctly) that was determined to get rid of them and a GOM response that seemed indifferent to their situation the members of Section 22 and their supporters decided to march on the office of the Secretary of Government to protest their plight.

#### COMMENT

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¶14. (U) The members of Section 22 and their leadership are truly between a rock and hard place. As of March 31, 2008 Section 22 will be without any legal basis to function as a recognized union. There appears to be no valid reason for the SNTE national office to deny Section 22's request to hold new election other than a desire to rid themselves of a group that, in their view, has caused them endless trouble for at least two years. Technically speaking the GOM's Secretary of Government is correct when it says it has no

SIPDIS

MEXICO 00000931 004 OF 004

legal authority to compel the SNTE national office in this matter but it could at least offer its good offices to help negotiate the matter. Alas, everyone in the Oaxaca drama appears to be playing hardball politics and no one seems particularly concerned for the education of the state's children. The march on the GOM's Secretary of Government involved only 10,000 of the estimated 70,000 teachers and education workers who make up Section 22. Nevertheless the other members of the Local stayed off the job in solidarity with the protestors who came to Mexico City. This was just the latest instances of when the interests of the school children of Oaxaca are being neglected by all the parties involved in his years old dispute.

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